



Entered on Docket
March 03, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169-5996
Facsimile (702) 949-8321
Telephone (702) 949-8320
Rob Charles NV State Bar No. 006593
Email: rcharles@lrlaw.com
John Hinderaker AZ State Bar No. 018024
Email: jhinderaker@lrlaw.com
Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,
USA Capital Realty Advisors, LLC,¹
USA Capital Diversified Trust Deed Fund, LLC,
USA Capital First Trust Deed Fund, LLC,²
USA Securities, LLC,³
Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING SEVENTH
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM
BASED, IN WHOLE OR IN PART,
UPON INVESTMENT IN THE
ROAM DEVELOPMENT GROUP,
LP LOAN**

Hearing Date: February 20, 2009
Hearing Time: 9:30 a.m.

¹ This bankruptcy was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 26, 2007.

1 Pending before the Court is the USACM Liquidating Trust's Seventh Omnibus
2 Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon
3 Investment in the Roam Development Group, LP Loan (the "Objection") [DE 6714].
4 Adequate notice of the Objection was given. The Court heard the Objection on February
5 20, 2009. No responses were filed to the Objection and no opposition was raised at the
6 hearing. Good cause appearing,

7 IT IS ORDERED:

- 8 • Sustaining the Objection;
- 9 • The Proofs of Claim listed on Exhibit A attached are allowed to the extent
10 Exhibit A shows there was "unremitted principal" arising out of the Roam
11 Development Group, LP Loan that was owed to the claimant.
- 12 • The Proofs of Claim listed on Exhibit A attached are disallowed to the extent
13 they were based upon an investment in the Roam Development Group, LP Loan
14 that was repaid to the claimant.
- 15 • The Proofs of Claim listed in Exhibit A are not affected by this order to the
16 extent they are based upon an investment in a loan(s) other than the Roam
17 Development Group, LP Loan;
- 18 • Reserving the right of any party in interest, including the USACM Trust, to
19 further object to the Proofs of Claim listed on Exhibit A attached.

20 ###

21 PREPARED AND SUBMITTED:

22 **LEWIS AND ROCA LLP**

23 By: /s/ John Hinderaker (#18024)
24 Rob Charles
25 John Hinderaker
26 *Attorneys for USACM Liquidating Trust*

CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of approval under LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.
- ☒ No opposition was filed to the motion and no other party or counsel appeared at the hearing.
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have appeared at the hearing, and any trustee appointed in the case, and each has approved or disapproved the order, or failed to respond, as indicated below:

LEWIS AND ROCA LLP

By: /s/ John Hinderaker (#18024)
Rob Charles
John Hinderaker
Attorneys for USACM Liquidating Trust

**ROAM DEVELOPMENT LOAN
SEVENTH OMNIBUS OBJECTION**

**EXHIBIT A
Multiple Loan Claims**

Claim	Name	Address	Total Claim Amount	Total Claim Amount Relating to Roam Development Loan	Unremitted Principal	Approximate Amount Subject to Objection
10725-00604	Chester R. McDowell	2715 E East Avenue Q-6 Palmdale, CA 93550-4147	\$527,702.18	\$100,000.00	\$1,262.72	\$98,737.28
10725-02348	Teri L. Melvin	2704 Chokecherry Ave Henderson, NV 89074-1990	\$99,999.94	\$2,329.94	\$0	\$1,067.22
10725-02349	Teri L. Melvin	2704 Chokecherry Ave Henderson, NV 89074-1990	\$100,000.00	Proof of claim unclear	\$0	Total amount related to Roam Development Loan
10725-02421	Teri Melvin	2704 Chokecherry Way Henderson, NV 89014	\$1,227,122.82	\$200,000.00	\$1,262.72	\$198,737.28
10725-00800	Gary A. Michelsen	c/o John F. Murtha, Esq. P.O. Box 2311 Reno, NV 89505	\$543,373.00	\$74,974.00	\$0	\$74,974.00
10725-01312	Gary A. Michelsen	John F. Murtha, Esq. P.O. Box 2311 Reno, NV 89505	\$543,373.00	\$74,974.00	\$947.04	\$74,026.96
10725-01691	Mojave Canyon Inc.	Janet L. Chubb, Esq. Jones Vargas P.O. Box 281 Reno, NV 89504-0281	\$685,000.00	\$100,000.00	\$1,262.72	\$98,737.28
10725-02353	Musso Living Trust Dtd 11/30/92	Walter and Barbara Musso Ttees P.O. Box 2566 Avila Beach, CA 93424	\$623,004.79	\$50,000.00	\$631.36	\$49,368.64
10725-02305	Erven J. Nelson and Frankie J. Nelson Trust	Erven J. and Frankie J. Nelson Ttees 2023 W. Aspiration Point St. George, UT 84790	\$450,000.00	\$100,000.00	\$1,262.72	\$98,737.28
10725-01912	Sheldon and Marion G. Portman Trust Dtd 11/1/85	Sheldon and Marion G. Portman Ttees 9505 City Hill Ct Las Vegas, NV 89134-1171	\$2,721,699.28	Proof of claim unclear	\$2,525.44	Total amount related to Roam Development Loan